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Security Council

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Draft resolution

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo,

Reiterating its concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in North and South Kivu and in Ituri, which perpetuate a climate of insecurity in the whole region,

Condemning the continuing illicit flow of weapons into the Democratic Republic of the Congo, and *declaring its determination* to closely monitor compliance with the arms embargo imposed by its resolution 1493 of 28 July 2003,

Underscoring the right of the Congolese people to control their own natural resources, *recalling* in this regard the statement made by its President on 19 November 2003 (S/PRST/2003/21), which emphasizes the connection, in the context of the continuing conflict, between the illegal exploitation of natural resources and trafficking in raw materials and arms, as highlighted in the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo (S/2003/1027), and *stressing* for this purpose, the need for all Member States to work to achieve an end to the illegal exploitation of natural resources,

Encouraging all States signatories to the Nairobi Declaration of 15 March 2000 on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa to implement quickly the measures required by the Co-ordinated Agenda for Action as an important means of support of the measures imposed by paragraph 20 of resolution 1493,

Taking note of the Secretary-General's fourteenth report on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), dated 17 November 2003 (S/2003/1098), and of its recommendations,

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the demand, laid down in paragraph 20 of resolution 1493, that all States take the necessary measures to prevent the supply of arms and any related

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materiel or assistance to armed groups operating in North and South Kivu and in Ituri, and to groups not party to the Global and All-Inclusive agreement on the Transition in the Democratic Republic of the Congo (signed in Pretoria on 17 December 2002);

2. *Welcomes* the recommendations contained in paragraph 72 of the fourteenth report of the Secretary-General on MONUC;

3. *Requests* MONUC to continue to use all means, within its capabilities, to carry out the tasks outlined in paragraph 19 of resolution 1493, and in particular to inspect, without notice as it deems it necessary, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri;

4. *Authorizes* MONUC to seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 20 of resolution 1493, and to dispose of such arms and related materiel as appropriate;

5. *Reiterates* its demand that all parties provide immediate, unconditional and unhindered access to MONUC personnel, in accordance with paragraphs 15 and 19 of resolution 1493, to enable them to carry out the tasks outlined in paragraphs 3 and 4 above;

6. *Reiterates its condemnation* of the continuing illegal exploitation of natural resources in the Democratic Republic of the Congo, especially in the eastern part of the country, which contributes to the perpetuation of the conflict, and *reaffirms* the importance of bringing an end to these illegal activities, including by applying the necessary pressure on the armed groups, traffickers and all other actors involved;

7. *Urges* all States, and especially those in the region, to take the appropriate steps to end these illegal activities, including through judicial means where possible, and, if necessary, to report to the Council;

8. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all members of the Council (the Committee), to undertake the following tasks:

(a) To seek from all States, and particularly those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraph 20 of resolution 1493 and to comply with paragraphs 18 and 24 of the same resolution, and thereafter to request from them whatever further information it may consider useful; including by providing States with an opportunity, at the Committee's request, to send representatives to meet with the Committee for more in-depth discussion of relevant issues;

(b) To examine, and to take appropriate action on, information concerning alleged violations of the measures imposed by paragraph 20 of resolution 1493 and information on alleged arms flows highlighted in the reports of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, identifying where possible individual and legal entities reported to be engaged in such violations, as well as aircraft or other vehicles used;

(c) To present regular reports to the Council on its work, with its observations and recommendations, in particular on the ways to strengthen the effectiveness of the measures imposed by paragraph 20 of resolution 1493;

(d) To consider the lists referred to hereafter in paragraph 10 (g) with a view to submitting recommendations to the Council for possible future measures to be taken in this regard;

(e) To receive notifications in advance from States made under paragraph 21 of resolution 1493 and to decide, if need be, upon any action to be taken;

9. *Requests* all States, in particular those in the region, to report to the Committee, within sixty days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraph 20 of resolution 1493, and *authorizes* the Committee thereafter to request from Member States whatever further information it may consider necessary;

10. *Requests* the Secretary-General, in consultation with the Committee, to create, within thirty days from the date of adoption of this resolution, and for a period expiring on 28 July 2004, a group of experts consisting of no more than four members (the Group of experts), having the necessary skills to perform the following mandate:

(a) To examine and analyse information gathered by MONUC in the context of its monitoring mandate;

(b) To gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the governments of those countries, flows of arms and related materiel, as well as networks operating in violation of the measures imposed by paragraph 20 of resolution 1493;

(c) To consider and recommend, where appropriate, ways of improving the capabilities of States interested, in particular those of the region, to ensure the measures imposed by paragraph 20 of resolution 1493 are effectively implemented;

(d) To report to the Council in writing before 15 July 2004, through the Committee, on the implementation of the measures imposed by paragraph 20 of resolution 1493, with recommendations in this regard;

(e) To keep the Committee frequently updated on its activities;

(f) To exchange with MONUC, as appropriate, information that might be of use in the fulfilment of its monitoring mandate as described in paragraph 3 and 4 above;

(g) To provide the Committee in its reports with a list, with supporting evidence, of those found to have violated the measures imposed by paragraph 20 of resolution 1493, and those found to have supported them in such activities for possible future measures by the Council;

11. *Requests* the Special Representative of the Secretary-General for the Democratic Republic of the Congo to communicate as appropriate to the Security Council, through the Committee, information gathered by MONUC and, when possible, reviewed by the Group of experts, concerning supply in arms and related

materiel to armed groups and militias, and any possible presence of foreign military in the Democratic Republic of the Congo;

12. *Urges* all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties, to cooperate fully with the Committee and with the Group of experts and MONUC, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraph 20 of resolution 1493;

13. *Calls upon* the international community, in particular the specialized international organizations concerned, to provide financial and technical assistance to the Government of the Democratic Republic of the Congo with a view to helping it exercise effective control over its borders and its airspace;

14. *Decides* to remain actively seized of the matter.